

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	CASE NO.
)	
Plaintiff,)	
)	
v.)	COMPLAINT
)	AND JURY DEMAND
COUNTRY FRESH, LLC,)	
)	
Defendant.)	

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Ayva Horton. As alleged with greater particularity in paragraphs 10-11 below, the Equal Employment Opportunity Commission alleges that Defendant, Country Fresh, LLC, violated Title VII by discriminating against Ayva Horton by failing to promote her because of her sex.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) (“Title VII”) and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Michigan, Southern Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1).

4. At all relevant times, Defendant, Country Fresh, LLC (“the

Employer”), has continuously been doing business in the State of Michigan and the City of Livonia and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce under Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

ADMINISTRATIVE PROCEDURES

6. More than thirty days prior to the institution of this lawsuit, Ayva Horton filed a charge with the Commission alleging violations of Title VII by Defendant Employer.

7. On March 7, 2016, the Commission issued to Defendant Employer a Letter of Determination finding reasonable cause to believe that Title VII was violated and inviting Defendant to join with the Commission in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and provide appropriate relief.

8. On April 7, 2016, the Commission issued to Defendant Employer a Notice of Failure of Conciliation advising Defendant

that the Commission was unable to secure from Defendant a conciliation agreement acceptable to the Commission.

9. All conditions precedent to the institution of this lawsuit have been fulfilled.

STATEMENT OF CLAIMS

10. Since at least January 21, 2014, Defendant Employer has engaged in unlawful employment practices at its Livonia, Michigan, facility in violation of Section 703(a)(1), 42 U.S.C. § 2000e-2(a)(1), by failing to promote Ayva Horton to a supervisory position on the basis of her sex, female.

11. Horton has applied for several supervisory positions over the course of her employment with Defendant. For example, Horton was denied a promotion to a Plant Scheduler position and a Production Supervisor position. She was recommended for these positions and had a college degree when she applied, which Defendant said it preferred. Instead of promoting her, Defendant promoted men to these positions.

12. The unlawful employment practices complained of in paragraphs 10-11 above were intentional.

13. The unlawful employment practices complained of in paragraphs 10-11 above were done with reckless indifference to the federally protected rights of Horton.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant Employer, its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with it, from denying females promotions to supervisory positions based on their sex.
- B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for female employees and which eradicate the effects of its past and present unlawful employment practices.
- C. Order Defendant Employer to make whole Ayva Horton by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to front pay or reinstatement to an appropriate supervisory position.

- D. Order Defendant Employer to make whole Ayva Horton by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 10-11 above, including job search expenses and loss of benefits, in amounts to be determined at trial.
- E. Order Defendant Employer to pay Ayva Horton punitive damages for its malicious and reckless conduct, as described in paragraphs 10-11 above, in amounts to be determined at trial.
- F. Grant such other relief as the Court deems necessary and proper in the public interest.
- G. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

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